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Remarks/Arguments

Claims 6, 9-11, 14, 19, and 21-28 are pending in the application. Claims 11, 14, 19, 21-23, and 28 are withdrawn. Claims 1-5, 7-8, 12-13, 15-18, and 20 having been cancelled. Independent claims 10 and 24 have been amended to recite "the template being adapted to allow a determination of an alignment of the foot on the template in a neutral position used as a reference point for determining a degree of supination or pronation". This amendment is supported by the following passage from the specification:

The template 21 may include two plates (15A and 15B), which are adjustable with respect to each other. Each plate 15A and 15B may include an ankle-joint reference line 18, which corresponds with the foot's transmalleolar axis 119 when the foot 101 is properly aligned in the subtalar-joint-neutral position. Typically, the TMA 119 is inclined about 20 to about 23 degrees in lateral rotation (indicated by "B" in Figure 3) to the frontal plane when viewed from a perspective normal to the transverse plane 105. Aligning the anklebone with ankle-joint reference line 18 also may align the foot 101 in the first, subtalar-joint-neutral position.

The template 31 also receives the foot in second, relaxed position. One enhancement to the template 21 may include a first pronation zone 23, indicating a normal range of pronation, and a second zone 25, indicating over-pronation.

[Page 9, lines 2-12]

The cited prior art does not teach or suggest any means in a template on which a foot is positioned for a determination of a neutral position. The Examiner considers elements 76, 81, and 86 to be a template. In Graf, element 76 is apart from where the foot is placed. Elements 81 and 86 are perpendicular reference lines in an apparent fixed relationship with each other. Therefore they are not suitable for allowing any determination of the neutral position, and any such determination must be made apart from anything that is the template. Accordingly, all

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claims are allowable for at least this reason. New claims 29-34 recited additional features that distinguish over the cited art and are supported by the quoted passage above, for example.

**CONCLUSION**

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees, including extension fees, or to charge any additional fees or underpayments, or to credit any overpayments, to the Credit Card account referenced on the accompanying Credit Card Payment form (PTO-2038). As an alternative, in case the Credit Card cannot be processed, the Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to the undersigned's Deposit Account No. 50-1001.

Respectfully submitted,

Date: 20 Nov. 2006

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